

ESTTA Tracking number: **ESTTA78429**

Filing date: **04/28/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Gutter Boy Entertainment, LLC
Granted to Date of previous extension	04/29/2006
Address	P.O. Box 352464 Toledo, OH 43635 UNITED STATES
Attorney information	David C. Purdue Purdue Law Offices 2735 N. Holland-Sylvania Rd., Ste B-2 Toledo, OH 43615 UNITED STATES dpurdue@purdue-law.com Phone:419-531-0599

Applicant Information

Application No	78503236	Publication date	02/28/2006
Opposition Filing Date	04/28/2006	Opposition Period Ends	04/29/2006
Applicant	Beckford, Jermane 2037 Greystone Trail Orlando, FL 32818 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2003/09/10 First Use In Commerce: 2003/12/12

All goods and services in the class are opposed, namely: Entertainment services, namely, audio recording and production; music production services; record production; videotape production; sound recording studios; Entertainment, namely, live performances by a musical artist; Entertainment, namely live music concerts; Entertainment services, namely, providing prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network; Entertainment services, namely, providing a web site featuring musical performances, musical videos, related film clips, photographs, and other multimedia materials

Attachments	statement of opposition.pdf (1 page)(9044 bytes)
Signature	/David C. Purdue/
Name	David C. Purdue
Date	04/28/2006

1. The Plaintiff Opposer, Gutter Boy Entertainment, LLC, is an Ohio Limited Liability Company that was created on May 12, 2000. In September, 2000, Opposer began using the mark GUTTER BOY ENTERTAINMENT in connection with music production services. Opposer has used its mark GUTTER BOY ENTERTAINMENT continuously since September, 2000 and has applied for a federal trademark registration of its mark, application serial number 78/809,905.

2. The Defendant Applicant, Jermane Beckford, has applied for federal trademark registration for the mark GUTTA BOY ENTERTAINMENT for many services, including music production services. The applicant's application recites that he first used the mark on September 10, 2003, and that is years after Opposer began using its mark.

3. Applicant's mark so resembles Opposer's previously used mark GUTTER BOY ENTERTAINMENT, as to be likely, when used in connection with the services recited in Applicant's federal trademark application, to cause confusion, mistake, or deception within the meaning of section 2(d) of the Trademark Act.

WHEREFORE, Opposer prays that the Opposition be sustained and the registration of Applicant's mark GUTTA BOY ENTERTAINMENT be refused.